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Filing date: **11/24/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|---|
| Proceeding | 91178943 |
| Party | Plaintiff Corporacion Cimex S.A. |
| Correspondence Address | David B. Goldstein Rabinowitz, Boudin, Standard, et al. 111 Broadway, Suite 1102 New York, NY 10006 UNITED STATES dgoldstein@rbskl.com |
| Submission | Other Motions/Papers |
| Filer's Name | David B. Goldstein |
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| Signature | /David B. Goldstein/ |
| Date | 11/24/2008 |
| Attachments | Notice to enter judgment.pdf (2 pages)(19406 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|--------------------------------------|---|--------------------------|
| CORPORACION CIMEX, S.A., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91178943 |
| |) | Application No. 75697908 |
| DM ENTERPRISES & DISTRIBUTORS, INC., |) | |
| |) | |
| Applicant. |) | |
| |) | |

**OPPOSER’S NOTICE TO BOARD PURSUANT TO GRANT OF SUMMARY
JUDGMENT**

By opinion dated November 17, 2008, the Board granted the motion for summary judgment of Opposer CORPORACION CIMEX, S.A. (“Opposer”), and denied the cross-motion for summary judgment of Applicant DM ENTERPRISES & DISTRIBUTORS, INC. (“Applicant”). Because Opposer moved for summary judgment on only one ground of its Opposition, namely, pursuant to Article 7 of the General Inter-American Convention for Trade Mark and Commercial Protection, the Board requested that Opposer advise the Board within 30 days whether Opposer wished to go forward on its other pleaded grounds for Opposition.

In response, Opposer hereby advises the Board that, in light of the grant of summary judgment in favor of Opposer, which grants Opposer complete relief, Opposer does not wish to go forward on its other pleaded grounds for Opposition. Therefore, Opposer requests that the Board enter final judgment sustaining the Opposition pursuant to Article 7 of the Pan American Convention, and refusing registration to Applicant of Application Serial No. 75697908.

Dated: New York, New York
November 24, 2008

RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.

By: /David B. Goldstein/
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CIMEX, S.A.*

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Opposer's
Notice To Board Pursuant To Grant Of Summary Judgment was served by email and by
U.S. first class mail, postage prepaid, on November 24, 2008 upon:

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/David B. Goldstein/
DAVID B. GOLDSTEIN